

**ANNUAL REPORT OF THE PUBLIC ACCESS COUNSELOR
To the Indiana General Assembly**

July 1, 2002 through June 30, 2003

Pursuant to Indiana Code section 5-14-4-12, this is the annual report of the activities of the Office of the Public Access Counselor for the time period covering July 1, 2002 through June 30, 2003. This report is presented in three parts: the information required under Indiana Code section 5-14-4-12; a narrative summary of the activities of the Office; and appendices with more detailed information on the presentations given and the advisory opinions issued over the past year.

**PART I
Annual Report**

(1) Total number of inquiries and complaints received:

7/1/02-6/30/03--2220

7/1/01-6/30/02--1945

7/1/00-6/30/01--1951

7/1/99-6/30/00--1473

(2) Number of inquiries and complaints received each from the public, media and government agencies:

	<u>7/1/02-6/30/03</u>	<u>7/1/01-6/30/02</u>
Public	1000	851
Media	262	261
Government	958	833

(3) Number of inquiries and complaints that were resolved: **2180**

(4) Number of complaints received about each of the following:

- (A) State agencies 85
- (B) County agencies 111
- (C) City agencies 74
- (D) Town agencies 39
- (E) Township agencies 17
- (F) School corporations 33
- (G) Other agencies

- District 3
- Economic Development Corp. 2
- Libraries 1
- Redevelopment Corp. 1
- Regional Utility 1
- Universities 7

(5) Number of complaints¹ received concerning each of the following:

- (A) Public records--345**
- (B) Public meetings--44**

(6) The total number of written advisory opinions issued and pending:

Opinions Issued: 91
Opinions Pending: 8

¹ The number of complaints in this section does not match the total of all numbers reported in section 4. This is due to the fact that in some cases, the complainant alleged more than one type of violation.

PART II

Executive Summary

Advisory Opinions

Since July 1, 2002, the Office has issued 91 written advisory opinions. Eight (8) opinions are pending as of this report. Under Indiana Code sections 5-14-5-9 and 10, advisory opinions must be issued within either seven (7) or thirty (30) days of receipt by the Office. A more detailed listing of these opinions and a brief description of the opinions follow in Appendix B, below.

Education and Presentations

Twenty-seven (27) educational presentations were held for various groups over the past year. A full listing of these presentations follows in Appendix A, below.

Access Handbook and other Educational Materials

The Public Access Handbook was most recently revised effective November 2002 and it is posted on the Office's website, www.state.in.us/pac. We distribute the printed copies of the Handbooks during the educational presentations mentioned in the previous section of this Part and directly to citizens and public offices.

Oversight Committee on Public Records

Effective July 1, 2001, the Public Access Counselor serves as a member of the Oversight Committee on Public Records, the governing body for the Indiana Commission on Public Records. The Committee generally meets one time each month. During the past year, Anne Mullin O'Connor assisted with the adoption of the administrative rules to update the microfilming standards administrative rule, 60 IAC 2 and served as Chair of the Committee in 2003.

December 5, 2002 Indiana Sheriff's Association Meeting (Indianapolis)
December 6, 2002 West Central Conservancy District Meeting (Avon)
December 16, 2002 RW Armstrong In-House Training (Indianapolis)

2003

January 28, 2003 Marion County Sheriff's Department In-House Training (Indianapolis)
January 31, 2003 Civil Rights Commission Continuing Legal Education Seminar (Indianapolis)
February 21, 2003 Indianapolis Star/Society of Professional Journalists Meeting (Indianapolis)
February 27, 2003 Indiana GIS Initiative Meeting (Indianapolis)
March 7, 2003 Small Public Libraries Association Meeting (Lebanon)
May 2, 2003 ICLEF Seminar: Representing State Government (Indianapolis)
May 15, 2003 Indiana Association of School Business Officials Meeting (South Bend)
May 16-18, 2003 National Freedom of Information Coalition Annual Conference (Nashville, TN)
May 25, 2003 Madison Courier Public Forum (Madison)
June 11, 2003 State Board of Accounts County Clerks' Meeting (Indianapolis)
June 19, 2003 Warsaw Police Department In-House Training (Warsaw)
June 20, 2003 Indiana School Boards Association School Law Seminar (Indianapolis)
June 26, 2003 Human Rights Consortium (Richmond)

APPENDIX B

ADVISORY OPINIONS ISSUED² JULY 1, 2002 THROUGH JUNE 30, 2003

2002

<u>Opinion No.</u>	<u>Issue(s)</u>
02-FC-22	Alleged Denial of Access to Public Records by the Allen Superior Court, Family Relations Division.
02-FC-23	Alleged Violations of the Access to Public Records Act by the Allen County Prosecuting Attorney's Office for Failing to Provide Electronic Records in a Particular Format and Related Copying Fees.
02-FC-24	Alleged Violation of the Open Door Law by the Lawrenceburg Community School Corporation Board of Trustees.
02-FC-25	Alleged Failure to Respond in a Timely Manner under the Access the Public Records Act by the Town of Elizabeth.
02-FC-26	Allegations of Violations of the Access to Public Records Act by the Office of the Mayor of the City of Indianapolis.
02-FC-27	Allegations of Violations of the Access to Public Records Act by the City of Indianapolis Department of Public Works.
02-FC-28	Complaint Withdrawn.
02-FC-29	Alleged Denial of Access to Public Records by the Town of Hamlet.
02-FC-30	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Wabash Valley Correctional Facility.
02-FC-31	Alleged Denial of Access to Public Records by the Edinburgh Police Department.
02-FC-32	Alleged Denial of Access to Public Records by the Clifford Police Department.
02-FC-33	Alleged Denial of Access to Public Records by the City of Jeffersonville.
02-FC-34	Alleged Denial of Access to Public Records by the Indiana Gaming Commission.
02-FC-35	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Maximum Control Complex.
02-FC-36	Alleged Violation of the Open Door Law for an Executive Session held by the Kokomo Board of Aviation Commissioners.

² The full text of these opinions is posted on the Office website, www.state.in.us/pac

<u>Opinion No.</u>	<u>Issue(s)</u>
02-FC-37	Alleged Denial of Access to Public Records by the Indiana Department of Correction.
02-FC-38	Alleged Denial of Access to Public Records by the City of Carmel.
02-FC-39	Alleged Violations of the Indiana Open Door Law by the Porter County Board of Zoning Appeals/Porter County Plan Commission.
02-FC-40	Alleged Denial of Access to Public Records by the Indiana Department of Correction.
02-FC-41	Alleged Denial of Access to Public Records by the Fort Wayne-Allen County Economic Development Alliance.
02-FC-42	Alleged Violation of the Open Door Law by the Jennings Northwest Regional Utility.
02-FC-43	Alleged Violation of the Indiana Open Door Law by the Indiana Horse Racing Commission.
02-FC-44	Alleged Denial of Access to Public Records by the Indiana Department of Transportation.
02-FC-45	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Wabash Valley Correctional Facility.
02-FC-46	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Indiana State Prison.
02-FC-47	Alleged Denial of Access to Public Records by the Indiana Department of Correction.
02-FC-48	Alleged Violation of the Indiana Open Door Law by the Fort Wayne-Allen County Airport Authority.
02-FC-49	Alleged Denial of Access to Public Records by the Dubois County Board of Commissioners and County Auditor.
02-FC-50	Alleged Denial of Access to Public Records by the Gary Housing Authority.
02-FC-51	Complaint withdrawn.
02-FC-52	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Indiana State Prison.
02-FC-53	Alleged Denial of Access to Public Records by the Hammond City Court.
02-FC-54	Alleged Violation of the Access to Public Records Act by the Indiana Department of Transportation.
02-FC-55	Alleged Denial of Access to Public Records by the Lake County Prosecuting Attorney's Office.
02-FC-56	Alleged Denial of Access to Public Records by the Hammond City Court.
02-FC-57	Alleged Denial of Access to Public Records by the Newton Superior Court, No. 1.

<u>Opinion No.</u>	<u>Issue(s)</u>
02-FC-58	Alleged Denial of Access to Public Records by the Indiana Department of Correction.
02-FC-59	Alleged Denial of Access to Public Records by the Lake County Clerk's Office.
02-FC-60	Alleged Violation of the Access to Public Records Act by the Hobart Police Department.
02-FC-61	Alleged Denial of Access to Public Records by the School Town of Highland.
02-FC-62	Alleged Denial of Access to Public Records by the Lake Superior Court, No. 6.
02-FC-63	Alleged Denial of Access to Public Records by the Public Defender of Indiana.
02-FC-64	Alleged Denial of Access to Public Records by the Lake County Board of Elections and Registration.
02-FC-65	Alleged Denial of Access to Public Records by Ball State University.
02-FC-66	Alleged Denial of Access to Public Records by the Gary Police Department.
02-FC-67	Alleged Denial of Access to Public Records by the Hammond City Clerk's Office.
02-FC-68	Alleged Denial of Access to Public Records by the Indiana Department of Transportation.
02-FC-69	Alleged Denial of Access to Public Records by Purdue University.

2003

<u>Opinion No.</u>	<u>Issue(s)</u>
03-FC-1	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Indiana State Prison.
03-FC-2	Alleged Denial of Access to Public Records by the Rush County Area Plan Commission.
03-FC-3	Alleged Denial of Access to Public Records by the Lake County Prosecuting Attorney's Office.
03-FC-4	Alleged Denial of Access to Public Records by the Fort Wayne Police Department.
03-FC-5	Alleged Violations of the Indiana Open Door Law during an Executive Session by the Town of Roseland.
03-FC-6	Alleged Denial of Access to Public Records by the Indiana Gaming Commission.
03-FC-7	Alleged Denial of Access to Public Records by the Town of Roseland Clerk-Treasurer.

<u>Opinion No.</u>	<u>Issue(s)</u>
03-FC-8	Alleged Denial of Access to Public Records by the West Terre Haute Police Department.
03-FC-9	Alleged Denial of Access to Public Records by LaPorte County Community Corrections.
03-FC-10	Alleged Denial of Access to Public Records by the Lake County Superior Courts Grand Jury Commissioner and Court Administrator.
03-FC-11	Alleged Denial of Access to Public Records by the Decatur Circuit Court.
03-FC-12	Alleged Denial of Access to Public Records by the Bartholomew Superior Court #1.
03-FC-13	Alleged Denial of Access to Public Records by the Johnson County Department of Planning and Zoning.
03-FC-14	Alleged Violations of the Access to Public Records Act concerning Copying Fees charged by LaPorte County Community Corrections.
03-FC-15	Alleged Denial of Access to Public Records by the City of Lawrence Police Department.
03-FC-16	Alleged Violation of the Indiana Open Door Law by the Board of the Southwestern-Jefferson County Consolidated School Corporation.
03-FC-17	Alleged Denial of Access to Public Records by the Office of the Attorney General.
03-FC-18	Alleged Denial of Access to Public Records by the Lake Superior Court, Civil Division.
03-FC-19	Alleged Violation of the Indiana Open Door Law by the Roseland Town Council.
03-FC-20	Opinion Not Issued due to Filing of Litigation under Indiana Open Door Law.
03-FC-21	Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction.
03-FC-22	Alleged Denial of Access to Public Records by Muncie Central High School.
03-FC-23	Alleged Violations of the Notice Requirement of the Open Door Law by the Town of Wheatfield.
03-FC-24	Alleged Denial of Access to Public Records by the Pulaski County Health Department.
03-FC-25	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Wabash Valley Correctional Facility.
03-FC-26	Alleged Denial of Access to Public Records by the City of Fort Wayne Metropolitan Human Relations Commission.

<u>Opinion No.</u>	<u>Issue(s)</u>
03-FC-27	Alleged Denial of Access to Public Records by the Indiana State Police Department.
03-FC-28	Alleged Denial of Access to Public Records by the Town of Bourbon.
03-FC-29	Alleged Denial of Access to Public Records by the Indiana Department of Correction.
03-FC-30	Alleged Improper Denial of Access to Public Records by the Office of the Indiana Attorney General, Consumer Protection Division.
03-FC-31	Alleged Denial of Access to Public Records by the Indiana House of Representatives.
03-FC-32	Grounds to File a Formal Complaint with the Office of the Public Access Counselor for Alleged Violations of the Indiana Open Door Law when the Complainant Received Notice of and Attended the Meeting.
03-FC-33	Alleged Denial of Access to Public Records by the White County Area Plan Commission.
03-FC-34	Alleged Denial of Access to Public Records by the Gary Housing Authority.
03-FC-35	Alleged Violations of the Indiana Open Door Law by the Cedar Creek Township Trustee and Advisory Board.
03-FC-36	Alleged Improper Denial of Access to Public Records by the Indiana Professional Licensing Agency.
03-FC-37	Alleged Denial of Access to Public Records by the Lake Superior Court, Civil Division Room Three.
03-FC-38	Alleged Denial of Access to Public Records by the Cedar Creek Township Trustee's Office.
03-FC-39	Alleged Denial of Access to Public Records by the City of Rushville, Rush County Area Plan Commission and the Rush County Board of Zoning Appeals.
03-FC-40	Alleged Denial of Access to Public Records by the Lake County Prosecuting Attorney's Office.
03-FC-41	Alleged Denial of Access to Public Records by the Indiana Department of Correction, Pendleton Correctional Facility.
03-FC-42	Alleged Denial of Access to Public Records by the Ohio County Auditor and Board of County Commissioners.
03-FC-43	Alleged Denial of Access to Public Records by the City of Gary Mayor's Office.
03-FC-44	Opinion Pending.
03-FC-45	Opinion Pending.
03-FC-46	Opinion Pending.
03-FC-47	Opinion Pending.
03-FC-48	Opinion Pending.

Opinion No.

Issue(s)

03-FC-49

Opinion Pending.

03-FC-50

Alleged Denial of Access to Public Records by the Office
of the Auditor of Marion County.

03-FC-51

Opinion Pending.

03-FC-52

Opinion Pending.